



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 4621-99

23 November 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 SER 85/221 of 13 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

**5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420
Ser 85/221
13 Oct 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED]

Ref: (a) SECNAVINST 1421.3H

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of LCDR Brunner's request to backdate his date of rank.
2. [REDACTED] was selected by the FY-99 1st Quarter Temporary SPOT Promotion Selection Board. His request is based on his belief that due to the non-convening of an August 1998 SPOT Board that his FY-99 SPOT promotion should be commensurate with that of selection of an August board.
3. [REDACTED] request is without merit. Per ref (a), SECNAV normally will convene a selection board quarterly to consider eligible officers. The instruction further states that the date of rank assigned will be the date the Senate confirms the initial SPOT appointment, or the date the nominee reports into a qualifying billet, whichever is later. The FY-99 1st Quarter Temporary SPOT Promotion Selection Board was confirmed by the Senate on 29 April 1999. In LCDR Brunner's case, his date of rank was determined as 29 April 1999.
4. Recommend disapproval of his request.

B. J. MALLOY
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division